IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 19076 of 2007(U)

PETITIONER:

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1. SANKAR M.G., S/O.V.MOHANAN NAIR,
AGED 22, IVTH YEAR B.SC NURSING STUDENT,
COLLEGE OF NURSING ACME, PARIYARAM PO,
KANNUR DISTRICT.

2. NITHEESH NARAYANAN, S/O.V.V.NARAYANAN,
AGED 22 , VTH YEAR B.SC NURSING STUDENT,
COLLEGE OF NURSING ACME, PARIYARAM P.O.,
PARIYARAM KANNUR DISTRICT.

3. SANEESH.T.P.,
S/O.E.KUNHIRAMAN, AGED 22 , IVTH YEAR B.SC NURSING
STUDENT KOYILI COLLEGE OF NURSING KANNADIPARAMBA,
P.O.KANNADIPARAMBA, KANNUR DISTRICT.

4. AJAL,
S/O.C.M.AJAYAKUMAR, AGED 22,
IVTH YEAR B.SC NURSING STUDENT, KOYILI COLLEGE OF
NURSING, KANNADIPARAMBA, P.O.KANNADIPARAMBA,
KANNUR DISTRICT.

5. SAJITHA GANESHAN,
D/O.GANESHAN, AGED 22, IVTH YEAR B.SC NURSING
STUDENT, KOYILI COLLEGE OF NURSING,
KANNADIPARAMBA, P.O.KANNADIPARAMBA,
KANNUR DISTRICT.

6. AKILA.M.,
D/O.MANOHARAN, AGED 22, IVTH YEAR B.SC NURSING
STUDENT, KOYILI COLLEGE OF NURSING,
KANNADIPARAMBA, P.O.KANNADIPARAMBA,
KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.T.V.VIJAYARAJAN
SRI.M.SAJJAD

RESPONDENTS:
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1. KANNUR UNIVERSITY,
   REPRESENTED BY ITS REGISTRAR,
   (PO) KANNUR UNIVERSITY CAMPUS, MANGATTUPARAMBA.

2. THE CONTROLLER OF EXAMINATIONS,
   KANNUR UNIVERSITY, KANNUR UNIVERSITY CAMPUS,
   MANGATTUPARAMBA P.O.

3. THE PRINCIPAL, ACME,
   COLLEGE OF NURSING, PARIYARAM P.O.,
   PARIYARAM, KANNUR DISTRICT.

4. THE PRINCIPAL,
   KOYILI COLLEGE OF NURSING P.O.,
   KANNADIPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY
GOVERNMENT PLEADER SRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

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W.P(C) NO. 19076 OF 2007

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Dated this, the 2nd July, 2007.

J U D G M E N T

The petitioners are IV th year B.Sc Nursing students of Kannur University. For writing the IIIrd year examination, passing of IInd year examination is a condition precedent. They failed in IInd year examination, when the results were published. They applied for revaluation. Simultaneously, they appeared for the supplementary examination also. Before the publication of the results, the University announced the dates of the III rd year regular examination pending revaluation of the results of the IInd year. The petitioners have been permitted by this Court to appear for the III rd year examination vide Ext.P1 judgment subject to the result of the revaluation. On publication of the revaluation results, the petitioners failed again. However, they have passed the supplementary examination. In the above circumstances, they seek publication of the results of the III year examination, which they have written on the strength of Ext.P1 judgment.

2. The learned standing counsel for the University submits that the supplementary examination was conducted only after the IIIrd year examinations were over. Whatever that be, in Ext.P1 judgment, it is specifically stated that if the petitioners or any one of them on revaluation do not pass the IInd year examination, the IIIrd year

examination written on provisional basis on the strength of the judgment would be cancelled. Therefore as long as Ext.P1 judgment stands, the petitioners cannot claim the reliefs prayed for, in this writ petition since admittedly they did not pass on revaluation. In the above circumstances, I am not inclined to admit this writ petition.

Accordingly, the same is dismissed. However, the petitioners are free to pursue any other remedies, if they so choose, against Ext.P1 judgment.

S. SIRI JAGAN, JUDGE.

Acd/